Hovsepian v. Apple, Inc.

Doc. 293 Att. 10

# Exhibit K

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**ROUND 3 DEFENDANTS' DEMONSTRATIVE EXHIBITS**
**In re Acacia Media Technologies Corporation (Case No. C-05-01114 JW)**
**September 7-8, 2006 Markman Hearing**

**TAB NO.** **PAGE NO.**

1. "transmission system"
('992 claims 19 and 41; '275 claims 2 and 5; '863 claims 14 and 17) . . . . . . . . . . . . . . . 1

2. "storing items having information in a source material library"
('992 claims 19 and 41; '275 claims 2 and 5; '863 claims 14 and 17) . . . . . . . . . . . . . . 15

3. "inputting an item having information into the transmission system"
('863 claims 14 and 17) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 43

4. "wherein the inputting step comprises inputting the item having information as blocks of digital data"
('863 claims 15 and 18) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 49

5. "wherein the inputting step comprises: inputting the item having information as an analog signal and converting the analog signal to blocks of digital data"
('863 claims 16 and 19) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 53

6. "retrieving the information in the items from the source material library"
('992 claim 41) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 57

7. "assigning a unique identification code to the retrieved information"
('992 claim 41) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 67

8. "assigning a unique identification code to the item having information"
('863 claims 14 and 17) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 71

9. "sequence of addressable data blocks" (and "ordered data blocks")
('992 claims 19 and 41; '275 claims 2 and 5; '863 claims 14 and 17) . . . . . . . . . . . . . . 79

10. "formatting the item having information as a sequence of addressable data blocks"
('863 claims 14 and 17) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 107

11. "storing, as a file, the compressed, formatted, and sequenced data with the assigned unique identification code"
('992 claim 41; '863 claim 14) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 109

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**TAB NO.** **PAGE NO.**

12. "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information at a non-real time rate from a central processing location"
('863 claim 14) ........ 115

13. "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information from a central processing location"
('863 claim 17) ........ 129

14. "formatting items of audio/video information as compressed digitized data at a central processing location"

"wherein the formatting step comprises"
('863 claim 17) ........ 133

15. "reception/receiving system"
('992 claim 19; '275 claims 2 and 5) ........ 139

16. "local distribution system"
('863 claims 14 and 17) ........ 149

17. "storing the received compressed digitized data representing the complete copy of the at least one item at the local distribution system"
('863 claims 14 and 17) ........ 153

18. "in response to the stored compressed, digitized data, transmitting a representation of the at least one item at a real-time rate"
('863 claim 14) ........ 155

19. "at least one of a plurality of subscriber receiving stations coupled to the local distribution system"
('863 claims 14 and 17) ........ 161

20. "decompressing the compressed, digitized data representing the at least one item of audio/video information after the transmission step wherein the decompressing step is performed in the local distribution system to produce the representation of the at least one item for transmission to the at least one subscriber station"
('863 claim 14) ........ 167

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21. "using the stored compressed, digitized data to transmit a representation of the at least one item to at a plurality of subscriber receiving stations coupled to the local distribution system" ('863 claim 17) . . . . . . . . 171

22. "The Order of the Steps" (All Method Claims) . . . . . . . . 173

21

RECYCLED

"using the stored compressed, digitized data to transmit a representation of the at least one item to at a plurality of subscriber receiving stations coupled to the local distribution system"

('863 claim 17)

Section XXI of Round 3 Defendants' August Brief

# "transmit . . . to at a plurality of subscriber receiving stations" is indefinite

- There is no way to tell how the claim was intended to read
  - "transmit to ~~at~~ a plurality of subscriber receiving stations"?
  - "transmit to at least one of a plurality of subscriber receiving stations"?
- The Court cannot correct the error, as it would be "required to guess as to what was intended." *Novo Indus., 350 F.3d at 1358*